

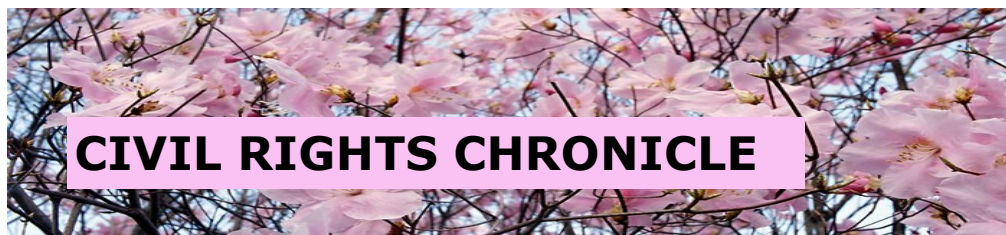
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Women's History Month March 2013-Theme:

"Women Inspiring Innovation Through Imagination: Celebrating Women in Science, Technology, Engineering, and Mathematics."



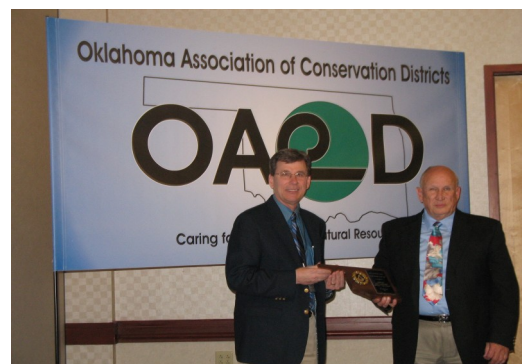
The theme "***Women Inspiring Innovation Through Imagination: Celebrating Women in Science, Technology, Engineering, and Mathematics***" is to honor the contributions women have made as visionaries and role models in the field of

science, technology, engineering and mathematics. This is a field where women are still noticeably underrepresented.

If you are interested in being a role model to girls in middle and high school encouraging them to study science, technology, engineering and math, contact me at sharyn.alvarez@wdc.usda.gov and I will send you a resource guide for role models.

The Oklahoma Tribal Conservation Advisory Council was Honored as Conservationist of the Year by NRCS at Oklahoma Association of Conservation Districts Annual Conference

NRCS recognized the Oklahoma Tribal Conservation Advisory Council (OTCAC) for their contributions as a conservation partner by awarding them the 2012 NRCS Conservationist of the Year award at the Oklahoma Association of Conservation Districts (OACD) Annual Conference on February 24, 2013. The OTCAC and its board members have been a vital partner to NRCS in carrying out the agency's mission to provide USDA technical leadership and assistance, and program awareness to help agriculture producers to conserve, improve and sustain our natural resources. The OTCAC board members include: Art Muller, Darrel Dominick, Ben Pollard, Clay Pope, and PJ Workman. These individuals have gone beyond their regular duties and responsibilities to serve as volunteer board members. OTCAC has a mission to promote the conservation and preservation of natural resources (Mother Earth) on private and American Indian land. OTCAC has provided assistance to federal and state agencies to educate and inform agriculture producers, Indian land owners, tribes, and underserved populations of funding available to control the destiny of their ecosystems including soil, air, lands, water, flora, fauna, and cultural sustainability. Over the past year OTCAC has organized, facilitated, sponsored and been involved in the delivery of 33 outreach meetings to agriculture producers across the state of Oklahoma. These meetings have included hands on conservation workshops, on farm demonstrations, Farm Bill program information, conservation workshops on Soil Health, drought impacts on forage and livestock, prescribed burn training, and methods to control invasive species.



Oklahoma Acting State Conservationist, John Mueller, presented the 2012 NRCS Conservationist of the Year award to Art Muller, Treasurer and board member of the OTCAC.

Submitted by:
Dr. Carol Crouch
NRCS Liaison for NRCS/AISES MOU

NRCS Civil Rights Division
Civil Rights Compliance Review Success Stories

Partnership Among Conservation Groups and Community Protects Historic Coastal Farm in Little Compton, Rhode Island

LITTLE COMPTON, RI — NRCS along with the Little Compton Agricultural Conservancy Trust and The Nature Conservancy have announced the conservation of 114 acres of historic and ecologically valuable Rhode Island farmland. A partnership of Ocean State land preservation groups, and state and federal agencies contributed \$3.6 million to protect this portion of the 120-acre Treaty Rock Farm in Little Compton. The conservation easements that now protect the farm ensure that Treaty Rock will remain a working farm and that coastal habitat along the Sakonnet River will be preserved. Sisters, Josie Richmond Arkins, Lawre Goodnow, and Helen Richmond Webb, will retain private ownership of Treaty Rock Farm, as well as the right to build on two specified building lots on the parcel. The sister owners supply wool from the farm's sheep to the Rhody Warm blanket retailers and sell their beef locally, enterprises which will continue.



Owner Jose Richmond Arkins, on behalf of her sisters said, “We are very excited,” about the project which has taken over 13 years to complete. “We are very committed to maintaining a viable farm, to increasing the habitat and biodiversity on this property, and to preserving the rural and historic character of Little Compton.” The conservation values of Treaty Rock Farm are ecological, agricultural, and historical. The farm has been in this local Richmond family for over 350 years.

The Ag Trust, together with the Rhode Island Agricultural Lands Preservation Commission (RIALPC), holds the deed to development rights for agriculture on 95 acres of the farm. The Nature Conservancy (TNC), meanwhile, will hold a conservation easement over approximately 20 acres of land and tidal zone along the Sakonnet River. According to the groups involved, the \$3.6 million purchase price of the easement and development rights is considered a “bargain sale” transaction due to the high value of all development rights on Treaty Rock Farm.

The NRCS Farm and Ranch Lands Protection Program (FRPP) provided matching funds in its commitment to help purchase development rights to keep productive farm and ranch lands in agricultural uses. “I’m pleased that NRCS has been able to contribute more than a million dollars to this project through FRPP to help protect this important piece of Rhode Island’s history and ecology,” said Roylene Rides at the Door, State Conservationist for NRCS in Rhode Island. “This project fits with our agency’s mission goal of protecting working farms in Rhode Island and across the country.”

Since FRPP was first authorized in the 1996 Farm Bill, NRCS Rhode Island has awarded over \$16 million in federal funds to purchase easements on more than 2,800 acres of farmland in Rhode Island.

Rhode Island NRCS Employees Volunteered Time For Hurricane Sandy Relief Effort in Westerly, Rhode Island During USDA's Martin Luther King Jr. National Day of Service

WARWICK, RI (January 18, 2013) — Volunteers from Rhode Island NRCS spent time on Tuesday, January 15, 2013 assisting the ongoing efforts to restore areas of Westerly devastated by Hurricane Sandy in observance of USDA's National Day of Service. NRCS volunteers assisted local business owners in clearing and disposing of hazardous debris that were deposited by the storm. Volunteer efforts were coordinated through the local organization Serve Rhode Island.

The effort was part of USDA's Martin Luther King Jr. National Day of Service where USDA employees throughout the Nation are encouraged to perform volunteer services in their communities. A group of RI NRCS employees volunteered 2 hours of their time to the non-profit organization Serve RI. The effort was a team building opportunity to serve the local community which sustained heavy damage after Hurricane Sandy.

Serve Rhode Island is the State's volunteer center and commission for national and community service which was established in 1994 to administer the Americorps program of the Federal government and presently administers 12 Americorps State programs. In 2012-13, Serve RI made grants totaling over \$2 million in Federal Americorps funds to support the work of 280 Americorps members assigned in Rhode Island working to meet community needs. The Volunteer Center at Serve Rhode Island connects thousands of volunteers to serve opportunities in the community annually.

Article by: Walter Marshall, Public Affairs Specialist

HOTLAW

Federal Legal Corner: Award Increased in Discrimination Finding —

Fedweek Published: Wednesday, March 13, 2013

The EEOC's Office of Federal Operations (OFO) in the case *Underwood v. Social Security Administration*, EEOC Appeal No. 0720120001 (October 10, 2012), upheld an administrative judge's (AJ's) finding that the Social Security Administration discriminated against Underwood, an SSA contact representative, when SSA failed to reasonably accommodate her disability. The OFO also quadrupled the compensatory damages award from \$2,500 to \$10,000. Underwood's supervisor had placed her on a leave restriction in July 2007, and the agency ultimately sought to remove Underwood based on the hundreds of hours of absence without leave she accumulated while incapacitated from her then-undiagnosed disorder. The parties then entered into "abeyance agreement" by which the agency held in abeyance Underwood's proposed removal as long as she provided a medical note each time she took unscheduled leave.

In May 2008, Underwood was diagnosed with bipolar disorder and post traumatic stress disorder, and her psychiatrist supplied a report including Underwood's prognosis, the medication she was prescribed, and her limitations. In October 2008, Underwood requested an accommodation that would allow her to take unscheduled leave from time to time when she suffered debilitating flare ups. She supported her request with the doctor's report. The agency ignored the request and instead requested additional, detailed information from the doctor. Underwood could not immediately obtain the additional information sought by the agency. Underwood's doctor characterized the requested level of detail as "absurd;" Underwood could also not afford the cost of the addi-

tional report.

The agency denied her accommodation request and said it would only "reassess" the request if she complied with its demand for the additional detailed report. Underwood finally was able to provide a medical report in January of 2009, but the agency processed it only as a request for a hardship transfer and failed to process the request for flexible leave as an accommodation. Underwood then filed her EEO complaint. The AJ ruled after hearing that the agency should have engaged in the interactive process with Underwood, holding that the agency bore the burden "to engage in the interactive process to determine whether flexible leave would have allowed Complainant to perform the essential functions of the position." The AJ also agreed that the request for additional medical details was not in good faith, observing that the agency was "elevating form over substance." The AJ rejected the agency's argument that the "abeyance agreement" was an accommodation. The AJ noted in particular that an agency is obliged to provide an "effective" accommodation, and that the requirements of the abeyance agreement were not at all "effective," especially as the requirement to obtain medical certification for each absence caused Underwood additional stress, made it more difficult for her to perform her essential work functions, and compounded her suffering.

Underwood ultimately resigned her position about a year after she filed her EEO complaint, but did not pursue a constructive discharge claim. However, based on testimony from Underwood and three co-workers, the OFO increased the AJ's award of \$2,500 in compensatory damages to \$10,000, finding that this amount took into consideration the severity of the harm she suffered, the length of time she suffered the harm (15 months), and that it was consistent with prior Commission precedent.

Patent examiner fails to establish substantial limitation —Federal EEO Advisor August 2011



Case name: *Perry v. Department of Commerce, Patent and Trademark Office*, 111 LRP 16739 (E.D. Va. 03/02/11).

Ruling: The U.S. District Court, Eastern District of Virginia granted summary judgment to the U.S. Patent and Trademark Office on an employee's claims under the Rehabilitation Act as it existed prior to the effective date of the ADA Amendments Act. The court also granted summary judgement to the USPTO on the employee's Title VII claims.

What it means: Although people with monocular vision ordinarily will meet the Rehabilitation Act's definition of "disability", whether monocular vision constitutes a Rehabilitation Act disability is a question to be determined on an individual basis. Where an employee demonstrates that his condition makes him unsuitable for a position with a particular employer but demonstrates that he has no difficulty obtaining other jobs in his field, he has not demonstrated that he is substantially limited in his ability to work.

Summary: A patent examiner for the Patent and Trademark Office was blind in one eye and had undiagnosed degenerative eye disease in the other eye. The examiner asserted that his condition required frequent medical appointments during working hours, so he requested additional time to work after hours or on weekends. His request was denied. Citing performance issues, the USPTO eventually terminated the examiner. He sued under the Rehabilitation Act

as it existed prior to the effective date of the ADA Amendments Act. The court granted summary judgment to the USPTO.

Contrary to his allegations, the examiner could not establish that he was substantially limited in seeing or working. The court explained that the examiner's monocular vision was insufficient to establish a substantial limitation in seeing. He had a driver's license and drove to the subway station as part of his commute to work. Although he generally refrained from driving at night, he testified that he could drive familiar routes that were well-lit. Additionally, he admitted to being able to read with "magnifying glasses and straight-edge-type devices" and could do an office job that required him to sit at a computer.

Moreover, after his termination from the USPTO, he held jobs in the engineering and real estate fields, demonstrating that his impairment did not preclude him from working in a broad range of jobs. He argued that he was able to perform these jobs because his employers granted him a flexible schedule as a reasonable accommodation. The court explained that this was immaterial to the substantial limitation analysis. Instead, it only established that his condition made him unsuitable for a position with a particular employer and demonstrated that he had no difficulty obtaining other jobs in his field.

The court also granted summary judgment on the examiner's Title VII claims.

DID YOU KNOW?

CRD is on the Web!

<http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/civilrights>

WHAT'S NEW

Civil Rights Policy Statement

"It is NRCS policy to treat all customers and employees equitably regardless of race, color, national origin, sex (including gender identity and expression), religion, age, disability, political beliefs, sexual orientation, marital or familial status, parental status, and protected genetic information. It is also our policy that customers and employees be free from reprisal or harassment in the pursuit of fairness and equal employment opportunities.

-Acting Chief, Jason A. Weller

2013 Civil Rights Policy Statement

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1083179.pdf

National Civil Rights Advisory Committee

The National Civil Rights Advisory Committee (CRAC) now has a website.

Come and visit!

You Can also visit us on MyNRCS!

http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/about/civilrights/?cid=nrcs143_022463



Civil Rights Division

VISION:

To be an inclusive diverse and equitable Agency that delivers programs in a manner based on and consistent with fairness availability and accountability.

MISSION:

To be an inclusive, diverse and equitable Agency that delivers programs in a manner based on and consistent with fairness, equality, availability and accountability while ensuring that applicants and employees are treated with respect, dignity and free from discrimination.

NRCS Civil Rights Division

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DIRECTOR'S OFFICE		
Jon F. Hall	Acting Director	301-504-2180
Taledia Washington	Administrative Assistant	301-504-2181
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Sandra M. McWhirter	Branch Chief	301-504-2198
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Elton Loud	EEO Specialist	301-504-2332
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Program Compliance Branch		
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Wytonya Jackson	EO Specialist	301-504-2166
Sheila Shepperd	EO Specialist	301-504-2457
Kimberly Rodgers	EO Assistant	301-504-0304



The USDA Office of the Assistant Secretary for Civil Rights updated the required nondiscrimination statement as follows:

Non-Discrimination Statement

Non-Discrimination Policy

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases apply to all programs and/or employment activities.)

To File an Employment Complaint

If you wish to file an employment complaint, you must contact your agency's EEO Counselor within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at http://www.ascr.usda.gov/complaint_filing_file.html.

To File a Program Complaint

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9419, by fax (202) 690-7442 or email at program.intake@usda.gov.

Persons with Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Supplemental Nutrition Assistance Program

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers.

All Other Inquires

Shorten version

USDA is an equal opportunity provider and employer.